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November 30, 1995

RECEIVED
At Albuquerque NM

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HON. JOHN E. CONWAY
U.S. DISTRICT JUDGE

VIA FEDERAL EXPRESS

The Honorable John E. Conway
Chief United States District Judge
United States District Court
for the District of New Mexico
P. O. Box 1160
Federal Building & U.S. Courthouse
500 Gold Avenue S.W.
Albuquerque, New Mexico 87103

Re: Carl Wilson, et al. v. HarperCollins Publishers, Inc.,
etc., United States District Court Case No. CIV 94-892
JC/LFG

Dear Judge Conway:

The purpose of this letter is to request the Court to ignore the reference to a Libel Defense Resource Center survey referenced on Page 8 (footnote 2) of the Reply Memorandum of Law in Support of Defendant's Motion for Summary Judgment. This reference is improper, and so inflammatory and misleading that it needs to be brought to the Court's attention.

The survey by the Libel Defense Resource Center, as referenced in the brief, is completely inadmissible. The reference is also misleading. Apparently, Defendant has included the reference in an effort to persuade the Court that it should follow some purported "trend" and grant summary judgment in this matter. In doing so, Defendant states that the study indicates that "courts entered summary judgment in favor of the defendant in 86.7 percent of all public figure cases . . ." (Emphasis added.) Assuming that this survey was conducted in the same manner as past similar surveys of the Libel Defense Resource Center, it is limited to reported cases. Of course, many courts, especially state courts, do not issue written opinions on the denial of summary judgment motions, and thus the survey does not include these trial court denials.

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In any event, Plaintiffs request that the Court disregard the reference to the Libel Defense Resource Center survey.

Yours very truly,



BARRY B. LANGBERG

BBL:bnc

cc: William S. Dixon, Esq.
(via Federal Express)
R. Bruce Rich, Esq.
(via Federal Express)